

### DETAILED ACTION

In view of the BPAI decision (Examiner sustained in part) mailed on 3/8/2010, PROSECUTION IS HEREBY REOPENED (see arguments below).

### EXAMINER'S AMENDMENT

The Board of Patent Appeals and Interferences (BPAI) affirmed the 35 USC 102(b) rejection against claims 15 – 70, but reversed all rejections against claims 1 – 14. Claims 15 – 70 are provisionally cancelled by the examiner in accordance with MPEP 1214.06 and the BPAI decision.

The application has been amended as follows:

**provisionally cancel claims 15 – 70** (in accordance with MPEP 1214.06).

In response to this office action, **Applicant is required to officially cancel claims 15 – 70**, in light of MPEP 1214.06 and the BPAI decision (Examiner sustained in part) mailed on 3/8/2010.

### ***Reissue Applications***

Claims 15 – 70 are provisionally withdrawn from consideration. Claims 1 – 14 remain in the present Application. The current claims 1 – 14 have **not** been amended with regard to the originally patented claims 1 – 14 in the original U.S. Pat. No. 6,021,265.

Claims 1 – 14 are rejected as being based upon a defective reissue oath under 35 U.S.C. 251. See 37 CFR 1.175 and MPEP 1414.

The reissue oath/declaration filed with this application is defective (see 37 CFR 1.175 and MPEP § 1414) because of the following:

There is a lack of reissuable error under 35 U.S.C. 251 since no errors are corrected in claims 1 – 14 of the present Application.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Borrill            U.S. Pat. No. 6,496,922    Method and Apparatus for Multiplatform  
Stateless Instruction Set Architecture (ISA) Using ISA Tags On-The-Fly Instruction  
Translation

Art Unit: 2454

A relevant U.S. Patent that cites the Larsen reference (U.S. Pat. No. 5,115,500 utilized in the Examiner's Answer), but does not predate the effective filing date of the present Application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/  
Primary Examiner, Art Unit 2454

Application/Control Number: 10/066,475

Page 5

Art Unit: 2454

/KRC/

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454

/Jack Harvey/

Director, Technology Center 2400